

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

STEPHEN McCOLLUM and SANDRA	§	
McCOLLUM, individually, and	§	
STEPHANIE KINGREY, individually and	§	
as independent administrator of the	§	
ESTATE OF LARRY GENE	§	
McCOLLUM,	§	CIVIL ACTION NO. 4:14-cv-03253
Plaintiffs,	§	
	§	
v.	§	
	§	
BRAD LIVINGSTON, et al.,	§	
Defendants.	§	

**GARY EUBANK'S OBJECTIONS AND RESPONSES TO PLAINTIFFS' SUBPOENA
DUCES TECUM ATTACHED AS EXHIBIT A TO THEIR APRIL 14, 2016 NOTICE TO
TAKE GARY EUBANK'S DEPOSITION**

EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

STEPHEN McCOLLUM, and SANDRA	§	
McCOLLUM, individually, and STEPHANIE	§	
KINGREY, individually and as independent	§	
administrator of the Estate of LARRY GENE	§	
McCOLLUM,	§	
PLAINTIFFS	§	
	§	
v.	§	CIVIL ACTION NO.
	§	4:14-cv-3253
	§	JURY DEMAND
BRAD LIVINGSTON, JEFF PRINGLE,	§	
RICHARD CLARK, KAREN TATE,	§	
SANDREA SANDERS, ROBERT EASON, the	§	
UNIVERSITY OF TEXAS MEDICAL	§	
BRANCH and the TEXAS DEPARTMENT OF	§	
CRIMINAL JUSTICE.	§	
	§	
DEFENDANTS	§	

**PLAINTIFFS' NOTICE TO TAKE
GARY EUBANK'S DEPOSITION**

TO: **Mr. Gary Eubank**, by and through attorney of record, Lee Haney, Assistant Attorney General, P.O. Box 12548, Capitol Station Austin, Texas 78711.

Please take notice that on May 6, 2016 at 9:30 am and thereafter from day to day until completed, Plaintiffs will take the oral deposition of Defendants' witness Gary Eubank.

The deposition is for the purpose of discovering, securing, and completing testimony of the witness. The deposition will be taken at the Office of the Attorney General in Austin located at: 300 West 15th Street, Austin, TX 78701 and will continue thereafter from day to day until completed. The deposition will be recorded stenographically and will be videotaped.

Dated: April 14, 2016.

Respectfully submitted,

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

By my signature above, I certify that a true and correct copy of the foregoing has been served on all counsel of record through email and/or fax.

Cc: Lee Haney
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Exhibit A

The categories of documents, items and things which the deponent is directed to produce at the beginning of the deposition are as follows: As used below, the term “you” includes your staff and all individuals and entities working at your direction.

1. All documents you have reviewed in preparation for your deposition.
2. Your most recent curriculum vitae.
3. All communications concerning the heat to or from you (including those in which you were cc'd or bcc'd) for the period of May 1, 2011 to January 1, 2012 that have not already been produced.
4. All communications concerning the heat to or from you (including those in which you were cc'd or bcc'd) for the period of January 1, 2012 to January 1, 2013 that have not already been produced.
5. All communications concerning the heat to or from you (including those in which you were cc'd or bcc'd) for the period of January 1, 2013 to the present that have not already been produced.
6. All documents or other materials you have reviewed, consulted, or relied upon in forming your opinions or conducting your work in connection with this case.
7. All documents evidencing any agreement between you and TDCJ or their attorneys or representatives.
8. All notes you have prepared or documents you have created in connection with this case.
9. All documents or other materials provided to you by counsel for Defendants in connection with this case.
10. Any documents you ever reviewed regarding decisions not to air condition any Texas Department of Criminal Justice prison facility.
11. All notes you have prepared or documents you have created in connection with this case.